

REMARKS

In the present Office Action, the Examiner states that there are two versions of documents which were entered into the case with the date of August 11, 2008; however, one of them has been mailed and the other faxed on September 4, 2008. The Examiner further states that there are differences in the documents between the two versions and hence, requests clarification as to which version of the response is meant to be considered.

In response, Applicant looked up the Private Patent Application Information Retrieval (PAIR) system of the Patent Office and was able to download only one version of the documents, which was the version that was faxed on September 4, 2008. Upon comparing the faxed copy downloaded from the Private PAIR and Applicant's file copy, Applicant deems that the two versions are identical.

The undersigned then contacted the Examiner on October 2, 2008 inquiring the alleged differences between the two versions. In her telephone message left with the undersigned on the same day, the Examiner explained that the two versions of the documents had different numbers of pages in the deceleration and Applicant's arguments and suggested that Applicant file a response simply stating that the two versions are the same. In accordance with that suggestion, Applicant hereby submits this response and states that the two versions of the documents are exactly the same.

For the record, it is submitted that Applicant originally filed the Preliminary Amendments and Remarks for Request for Continued Examination (RCE) under 37 C.F.R. §1.114 on August 11, 2008 via United States Postal Service Express Mail under 37 C.F.R. §1.10. On August 15, 2008, the Examiner called the undersigned inquiring whether a response had been filed. The Examiner was informed of the filing of the response dated August 11, 2008. Later on September 4, 2008, the Examiner's supervisor, Examiner

Marianne C. Seidel, called the undersigned informing that they had not received the previously filed response and suggesting that Applicant fax the documents that were originally filed on August 11, 2008 to her directly. In accordance with Examiner Seidel's suggestion, Applicant faxed to her the exact documents that were originally filed on August 11, 2008 as well as the returned post card from the Patent Office and the Express Mail mailing label postmarked on Aug 11, 2008.

The present Office Action indicates that the Patent Office has indeed received the originally filed response *via* Express Mail on August 11, 2008. However, for whatever reason unclear to Applicant, the Patent Office's record suggested a discrepancy between the mailed version and the faxed version, whereas the two versions should be exactly the same.

Should any other issues remain prior to examination, the Examiner is encouraged to call the undersigned.

This response is filed timely. No fees are believed to be due. However, should any fees be required for any reasons relating to this document, the Commissioner is authorized to deduct such fees from Howrey LLP Deposit Account No. 08-3038/12665.0024.NPUS01.

Respectfully submitted,

/j. wendy davis/

J. Wendy Davis, Ph.D.
Reg. No. 46,393

Customer No. 23369

HOWREY LLP
1111 Louisiana, 25th floor
Houston, TX 77002
(713) 787-1512 (Direct)

Agent for Assignee
THE BOARD OF TRUSTEES OF THE LELAND
STANFORD JUNIOR UNIVERSITY

Date: October 6, 2008